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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.,

Defendant.

§
§ Chapter 11
§
§ Case No. 19-34054-sgj 11
§
§
§
§ Adversary Proceeding No.
§
§ 21-03004-sgj
§
§
§
§

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

**DEBTOR'S NOTICE OF RULE 30(b)(6) DEPOSITION TO
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Bankruptcy Procedure 7030, incorporating by reference Federal Rule of Civil Procedure 30(b)(6), Highland Capital Management, L.P., the debtor and debtor-in-possession (the “Debtor”) in the above-captioned chapter 11 case (“Bankruptcy Case”) and the above-captioned adversary proceeding (the “Adversary Proceeding”), shall take the deposition of Highland Capital Management Fund Advisors, L.P. (“HCMFA”) in connection with the *Complaint for (I) Breach of Contract and (II) Turnover of Property of the Debtor’s Estate* [Docket No. 1]² (the “Complaint”), filed by the Debtor, of the person(s) most qualified to testify on HCMFA’s behalf with respect to the topics described in **Exhibit A** attached hereto on **June 1, 2021** commencing at **9:30 a.m. Central Time**, or at such other day and time as the Debtor determines upon reasonable notice. **The deposition will be taken remotely** via an online platform due to the coronavirus pandemic such that no one will need to be in the same location as anyone else in order to participate in the deposition and by use of Interactive Realtime. Parties who wish to participate in the deposition should contact **John A. Morris**, Pachulski Stang Ziehl & Jones LLP, at jmorris@pszjlaw.com **no fewer than 48 hours before the start of the deposition** for more information regarding participating in this deposition remotely.

² Refers to docket numbers maintained in the Adversary Proceeding.

Dated: April 20, 2021.

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-and-

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EXHIBIT A

DEFINITIONS

1. “Complaint” refers to the *Complaint for (I) Breach of Contract and (II) Turnover of Property of the Debtor’s Estate*, filed by the Debtor on January 22, 2021 [Docket No. 1].
2. “Concerning” means and includes relating to, constituting, defining, evidencing, mentioning, containing, describing, discussing, embodying, reflecting, edifying, analyzing, stating, referring to, dealing with, or in any way pertaining to the subject matter.
3. “Demand Letter” means that letter dated December 3, 2020, sent by the Debtor to HCMFA in which the Debtor made demand for immediate payment under the Notes.
4. “Note” or “Notes” refers to the promissory notes executed by HCMFA: (i) on May 2, 2019 in favor of the Debtor, as payee, in the original principal amount of \$2,400,000, and (ii) on May 3, 2019 in favor of the Debtor, as payee, in the original principal amount of \$5,000,000.
5. “RFAs” refers to *Debtor’s First Request for Admissions Directed to Highland Capital Management Fund Advisors, L.P.* served in this adversary proceeding.
6. “You” refers to HCMFA.

TOPICS

Topic No. 1:

Any allegations set forth in the Complaint that You deny.

Topic No. 2:

The identification of any legal or equitable defense that You intend to assert in this Adversary Proceeding.

Topic No. 3:

The facts and circumstances Concerning any legal or equitable defense that You intend to assert in this Adversary Proceeding.

Topic No. 4:

The Notes

Topic No. 5:

The Demand Letter and Your response thereto, if any.

Topic No. 6:

Any response to any of the RFAs other than an unqualified admission.